

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RHONDINE MELENDEZ, on behalf of herself and all  
others similarly situated,

Case No.: 23-cv-9532 FB-VMS

Plaintiff,

-against-

RAAKA CHOCOLATE, INC.

Defendant.

**AFFIDAVIT OF LEO KAYSER,  
III, IN SUPPORT OF  
DEFENDANT'S MOTION TO  
DISMISS PLAINTIFF'S SECOND  
AMENDED COMPLAINT**

-----X  
STATE OF NEW YORK )

COUNTY OF NEW YORK )

LEO KAYSER, III, being duly sworn, deposes and says as follows:

1. I am a member of Kayser & Redfern, LLP, counsel to defendant RAAKA CHOCOLATE, INC. ("Defendant" and/or "Raaka") in the above-captioned matter. I respectfully submit this affidavit in support of Raaka's Motion to Dismiss, RHONDINE MELENDEZ' ("Plaintiff") Second Amended Class Action Complaint ("SAC"), dated and served November 12, 2025, a true copy of which is annexed hereto as Exhibit "1". I am fully familiar with the facts and circumstances set forth herein.

2. Plaintiff's original Complaint dated December 28, 2023, was filed the same day [ECF No. 1]. Raaka originally moved to dismiss Plaintiff's action on April 12, 2024, which motion was argued on June 18, 2024. Copies of all papers submitted to the Court with respect to Raaka's original Motion to Dismiss are filed with the Court and consist of:

(2a) Raaka's Notice of Motion [ECF No. 18]; my Affidavit sworn to April 11, 2024, [ECF No. 18-1] with its Exhibits A through E consisting of the Affidavit of Nate

Hodge sworn to April 9, 2024, [ECF No 18-7] with its Exhibit A, [ECF No. 18-8] and Defendants' Memorandum of Law in support [ECF No. 18-9]; and

(2b) Plaintiff's Memorandum of Law in Opposition to Raaka's Motion to Dismiss dated May 16, 2024, [ECF No. 18-11]; and

(2c) Raaka's Reply Memorandum of Law dated June 7, 2024, [ECF No 18-12].

3. During oral argument, Plaintiff's counsel asked leave to file an amended complaint. Annexed hereto as Exhibit "2" is a true copy of the Court's Order dated June 21, 2024.

4. Plaintiff filed her First Amended Class Action Complaint dated July 9, 2024, [ECF No. 20].

5. By Notice of Motion dated August 12, 2024, [ECF No. 26], my affidavit sworn to August 12, 2024, [ECF No. 26-1] and exhibits annexed thereto [ECF No. 26-2 through 26-9]; the Affidavit of Max Conley sworn to August 2, 2024, [ECF No. 26-7] and the Affirmation of Yani Aronowich dated August 9, 2024, [ECF No. 26-8], Raaka moved to dismiss Plaintiff's First Amended Class Action Complaint, which motion was fully briefed with Defendant Raaka's Memorandum of Law in support of the Motion to Dismiss Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. Rule 12(b)(1) and Rule 12(b)(6) dated August 13, 2024, [ECF No. 26-10]; Plaintiff's Memorandum of Law in support of her Opposition to Defendant's Second Motion to Dismiss dated September 5, 2024, [ECF No. 26-12] and Defendant Raaka's Reply Memorandum of Law dated September 19, 2024 [ECF No. 26-15].

6. By Order dated September 28, 2025, a true copy of which is annexed hereto as Exhibit "3", the Court granted Raaka's Motion to Dismiss, without prejudice and sua sponte granted leave to Plaintiff to amend again her Amended Complaint to correct all deficiencies in that pleading.



LEO KAYSER, III

Sworn to before me this  
3 day of December, 2025



Notary Public

G. KAYSER STRAUSS  
Notary Public, State of New York  
No. 02ST6204494  
Qualified in Bronx County  
Commission Expires 7/19/29